

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

IN RE: ) CASE NO. 10-93904-BHL-11  
 )  
EASTERN LIVESTOCK CO., LLC, ) Hon. Basil H. Lorch, III  
 )  
Debtor. )  
 )

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**RESPONSE OF GLEN FRANKLIN IN OPPOSITION TO  
TRUSTEE'S OBJECTION TO CLAIM 353**

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COMES NOW Claimant GLEN FRANKLIN. ("Franklin"), by and through undersigned counsel, and files this *Response Of Glen Franklin In Opposition To Trustee's Objection To Claim 353* and states as follows:

1. The Trustee filed objections to Claim No. 353 on April 19, 2013 providing thirty (30) days in which to respond. The thirty (30) day period ran May 19, 2013, a Sunday, this Response is timely.

2. The Trustee's Objection To Claim 353 ("Doc. 2071") seeks an order disallowing Claim 353 pursuant to 11 U.S.C. §502(d). Mr. Franklin is not currently a Defendant in a preference action but has agreed to allow a tolling while he and counsel are engaged in settlement discussions with the Trustee. The Trustee seeks to stay action on the claim objection pending resolution of the settlement discussions.

3. Claimant Franklin responds without objection to entry of a stay of Defendant's Claim Objection. Mr. Franklin rejects the Trustee's assertion his claim in the amount of \$375,427.78 is in any manner invalid. The Trustee's Objection To Claim 353 should be dismissed.

4. Mr. Franklin cattle operation was financed through Farm Credit Services Eastern New Mexico which held during the relevant time period a perfected security interest in the livestock Mr. Franklin sold and which Eastern brokered.

WHEREFORE Mr. Franklin does not object to the requested stay pending outcome of settlement discussions, but reserves the right to further respond and supplement in opposition to the Trustee's Objection To Claim 353.

Respectfully submitted this 20<sup>th</sup> day of May 2013,

W. SCOTT NEWBERN, PL

/s/ Walter Scott Newbern

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COUNSEL FOR CLAIMANTS

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20<sup>th</sup> day of May 2013, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

/s/ W. Scott Newbern

W. SCOTT NEWBERN